



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,321	12/10/1999	Yong Ho Son	533/040	8721

26291 7590 01/02/2004

MOSER, PATTERSON & SHERIDAN L.L.P.
595 SHREWSBURY AVE
FIRST FLOOR
SHREWSBURY, NJ 07702

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 01/02/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/458,321

Applicant(s)

SON ET AL.

Examiner

Vivek Srivastava

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-13, 15-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-13, 15-18 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 U.S.C. § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 – 13, 15 – 18, and 20 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahai (6,594,699) in view of Shaw et al (6,104,392 – previously cited) and Utsumi (6,195,677 – previously cited).

Regarding claim 10, Sahai discloses a system for capability based multimedia streaming over a network. In the video-on-demand (see col 2 lines 5-7) system of Sahai, a capability level of a TV settop terminal (see col 3 lines 25-27) is determined and appropriate Java applets and versions of video programming are provided (see col 7 lines 57 – col 7 line 9, see col 4 lines 34-38). It should be noted that Sahai discloses storing video clips in both MPEG1 and MPEG2 formats (see col 6 lines 17-21) and thus

discloses the claimed versions of video programs. It should be noted that the URL or applets inherently comprises video, graphical and control information to enable display and interactivity in the graphical user interface (see col 4 lines 9-15). Sahai further disclose packet based transmissions (see col 2 lines 46-50).

Although Sahai discloses a settop terminal and suggests other type of networks could be used, Sahai fails to disclose selectively tuning and downconverting video content and assets transmitted via one a plurality of transmission channels. It would have been obvious to modify Sahai to use an existing CATV network for transmission on a one of a plurality of transmission channels and thus include the tuning and downconverting to provide the transmission of the video content and assets over an existing high bandwidth network.

Sahai fails to disclose determining the capability level of the distribution network. Shaw teaches determining the capability levels of a client device and the network (see col 11 lines 21-45). It would have been obvious including determining the capability level of the network would have enabled bandwidth considerations which would also include preventing saturation of the bandwidth. Therefore, it would have been obvious to modify Sahai to include the claimed limitation to prevent saturation of the bandwidth.

Sahai fails to disclose the claimed determining the capability level of the STT at the service provider equipment. Utsumi teaches determining the capability level of terminals and the communication network at a server (see col 15 lines 46 - col 16 line 50) and also teaches a data processing unit at the server manages providing data to a plurality of terminals via a plurality of communications networks (see col 6 lines 6-16). It would have been obvious determining the capability level of each STT and

communication network would provide determination of capabilities from a single central location in lieu of a plurality of STT locations which would also result in a reduction in cost associated with STT for determining the capability level and reduced upstream bandwidth required for transmitting the capability level upstream from the STT to the server each time a request is made for data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sahai to include the claimed determining the capability level of the STT and the network at the service provider equipment to have a centralized location for determining the capability, a reduction in cost associated with each STT and to minimize upstream bandwidth consumption for transmitting upstream from the STT to the server every time a request is made.

Regarding claim 11, Sahai discloses video processing and audio processing capability (see col 3 lines 27-42, col 4 lines 16-25).

Regarding claims 12 and 13, the combination of Sahai, Shaw and Utsumi discloses the claimed limitation, wherein Shah discloses the claimed asset data base (see col 8 lines 39-44, col 9 line 56 - col 10 line 18, col 11 lines 31-45) and also discloses the claimed selecting from the asset database, an asset having associated with it the capability level of the STT requiring the asset (col 11 lines 31-45, col 9 line 56 - col 10 line 3).

Regarding claims 15 and 16, the combination of Sahai, Shaw and Utsumi disclose the claimed limitations. Sahai disclose providing applets to a requesting STT as claimed (see col. 6 line 57 – col. 7 line 9). Shaw discloses control information (hyperlinks for the Java applets, see col 8 lines 38-59) are transmitted based indicative of navigational assets within the database (col 11 lines 31-45, col 9 line 56 - col 10 line

3) having with them an associated capability level of the STT receiving the initial navigational asset (col 11 lines 31-45, col 9 lines 56 - col 10). Shaw also discloses navigational assets comprise applets (col 8 lines 38-46) including video information, graphic information and control information (col 8 lines 38-59) wherein applets are stored at the server (col 8 lines 38-44) and provided to a user when a user interacts with the control information needed at the STT indicative of the need for applets (col 8 lines 31-59, control information met by logical operators needed for hyperlinking to web page).

As to claim 17, claim 17 is met by that discussed in claim 10. Claim 17, further recites "each of the set top terminals have a common video information processing architecture, one of a plurality of control architectures and one of a plurality of graphics processing architectures" which is met by Sahai since all the set top terminals have a GUI (see col 4 lines 9-15). Claim 17 further recites "wherein navigator assets are optimized to each of the possible STT capability levels to provide a plurality of respective navigator assets, each of the respective navigator assets having an associated with it a respective STT capability level" which is met by the combination of Sahai, Shaw and Utsumi, wherein Shaw also discloses adapting and optimizing Internet protocol links (navigational assets) according the performance of the settop (col 11 lines 21-35, col 9 lines 56-67)

As to claim 18, the combination of Sahai, Shaw and Utsumi discloses the claimed limitation, wherein Shaw discloses optimizing provided information in 'real time'

(col 8 lines 38-45, 'real time' met by sending a dynamically created web page to user when requested).

Claim 20 – 23 are met by that discussed above.

Regarding claim 24, the combination of Sahia, Shaw and Utsumi discloses the claimed limitation, wherein Shaw discloses providing graphical assets to be provided to STT (col 8 lines 38-55) wherein the assets are adapted to the capability levels of the STT (col 8 lines 38-55, col 11 lines 31-45, col 9 line 56 - col 10 line 18) and wherein the information indicative of the graphics processing capabilities of the STT are stored in a database (col 8 lines 39-44, col 9 line 56 - col 10 line 18, col 11 lines 31-45).

Considering claim 25, the combination of Sahai, Shaw and Utsumi discloses the claimed wherein each of the associated STT has associated with it control capability (col 8 lines 30-35, control capability met by 'logical operators' and 'operations'), wherein session controller provides control related assets to the STT (col 8 lines 38-63, control related assets met by hyperlinking information for controlling access to web pages) in accordance with the control capability associated with each STT being stored in the database (col 8 lines 39-44, col 9 line 56 - col 10 line 18, col 11 lines 31-45, the limitation is met since each STT has a control capability, and the control capabilities are stored in the database).

Claims 26 – 29 are met by that discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

II. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Legall et al - searching a television guide via the Internet

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

12/27/03



**VIVEK SRIVASTAVA
PRIMARY EXAMINER**